

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

STATE OF TEXAS,

*Plaintiff,*

v.

GOOGLE LLC,

*Defendant.*

Civil Action No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1446(a), Defendant Google LLC (“Google”) files this Notice of Removal, removing this case from the 457th Judicial District of Montgomery County, Texas to the United States District Court for the Southern District of Texas, Houston Division.

**I. PROCEDURAL BACKGROUND**

1. On January 19, 2022, the State of Texas (“Texas”) filed a petition in the 457th District Court of Montgomery County, Texas. *See* Ex. A.

2. Texas’s Petition alleges that Google violated § 17.46 of the Texas Deceptive Trade Practices—Consumer Protection Act (“DTPA”).

3. Google was served with Texas’s Petition on January 26, 2022.

4. On February 22, 2022, Google filed an Answer in state court.

**II. STATUTORY BACKGROUND AND TIMELINESS OF REMOVAL**

**A. Basis for Removal: Diversity Jurisdiction**

5. This action is removable pursuant to 28 U.S.C. §§ 1332(a), 1441(a), and 1446. Federal courts have original jurisdiction over civil actions where the matter in controversy exceeds \$75,000 and where the action is between citizens of different States. *Id.* § 1332(a)(1).

6. The citizenship of a limited liability company is determined by the citizenship of each of its members. *Harvey v. Great Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008).

7. Here, there is complete diversity of citizenship among the parties.

a. Google is a citizen of Delaware and California. XXVI Holdings Inc. is the sole member of Google. XXVI Holdings Inc. is organized under the laws of the state of Delaware, and its principal place of business is in California.

b. Plaintiff brings this lawsuit on behalf of only Texas citizens, who are Texas residents and the real parties in interest. *See Louisiana v. Union Oil Co. of Cal.*, 458 F.3d 364, 366 (5th Cir. 2006) (noting that “if the State is a nominal party with no real interest in the dispute, its citizenship may be disregarded” for diversity jurisdiction purposes). Indeed, the purpose of the DTPA—the statutory basis for Texas’s sole cause of action—is “to protect [Texas] consumers against false, misleading, and deceptive business practices.” Tex. Bus. & Com. Code § 17.44(a).

8. Based on the allegations in Texas’s Petition, the amount in controversy exceeds \$75,000. Pet ¶1 (Texas seeks relief “in excess of \$1,000,000”).

**B. Timeliness of Removal, Non-Waiver of Defenses, and Notice**

9. Under 28 U.S.C. § 1446(b)(1), civil actions may be removed within 30 days of service of the defendant.

10. Google was served with the Petition on January 26, 2022, making Google’s deadline to remove this action February 25, 2022. This Notice of Removal is timely.

11. With this filing, Google does not waive any defenses available to it. Nor does Google concede that the allegations in Texas’s Petition state a valid claim under applicable law or that Plaintiff has standing to bring this case.

12. A copy of this Notice of Removal is being filed with the Clerk of the State Court, and written notice is being served on Texas, as required by § 1446(d).

**C. Propriety of Removal to this Court**

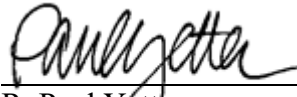
13. The 457th Judicial District of Montgomery County, Texas, is located within the Southern District of Texas, Houston Division. Accordingly, under § 1441(a), this action is properly removed to this Court.

**CONCLUSION AND PRAYER**

For the reasons set forth above, complete diversity exists among the parties and this case is properly removed. Accordingly, Google respectfully requests that this action proceed in this Court upon removal and the Court grant Google all other relief to which it is entitled.

Dated: February 25, 2022

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT GOOGLE LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 25th day of February, 2022, the foregoing was served by email and/or by electronic filing service on all counsel of record.

/s/ Bryce L. Callahan

Bryce L. Callahan